

Express Mail No. EV 346 793 826 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stephen M. FOSTER

Confirmation No.: 4297

Application No.: 10/642,938

Group Art Unit: 3635

Filing Date: August 18, 2003

Examiner: Naoko N. Slack

For: LAMINATE FILM-FOAM FLOORING  
COMPOSITION

Attorney Docket No.: 086056-01190-USC1

**TERMINAL DISCLAIMER FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450


Sir:

In response to the Office Action dated May 31, 2005, Applicant submits a Terminal Disclaimer to overcome the current double patenting rejection and place all claims in condition for allowance.

The fee which is required to be paid for the filing of the terminal disclaimer is believed to be \$130.00. Please charge the required fee and any additional fees to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086056-01190-USC1.

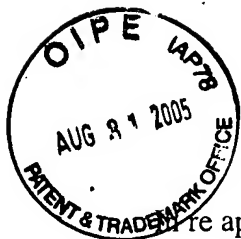
Respectfully submitted,

Date: August 31, 2005

  
Daniel J. Hulseberg (Reg. No. 36,554)

WINSTON & STRAWN LLP  
CUSTOMER NO. 28763  
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P.O. Box 1450  
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Sir:

Petitioner, Paul L. Rodriguez, represents that he is Assistant Secretary for Pactiv Corporation, and is an attorney of record for the present application. Petitioner states that Pactiv Corporation is the Assignee of the entire interest in and to the above-identified application by virtue of an assignment which was filed on October 30, 2000, at reel 011230 frame 0208. This disclaimer is made by Petitioner on behalf of, and for the benefit of, the Assignee.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,607,803 ("the '803 patent"), which is also assigned to Pactiv Corporation, and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '803 patent.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.


Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the '803 patent in the event the '803 patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms and states in accordance with 37 C.F.R. § 3.73(b) that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the Assignee seeking to take action in this matter, and that he is empowered to act on behalf of Assignee.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 31st day of August, 2005.

Pactiv Corporation

  
by Paul L. Rodriguez (Reg. No. 40,788)